General Assembly

Distr.: General
2 March 2005

Fifty-ninth session
Agenda item 103

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/59/501)*]

59/177. Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling its resolution 58/160 of 22 December 2003, in which it decided to place emphasis on the concrete implementation of the Durban Declaration and Programme of Action, adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001,[1] as a solid foundation for a broad-based consensus for further actions and initiatives towards the total elimination of the scourge of racism,

Recalling also its resolution 57/195 of 18 December 2002, in which it outlined the important roles and responsibilities of the various organs of the United Nations and other stakeholders at the international, regional and national levels, including, in particular, the Commission on Human Rights,

Recalling further its resolution 56/266 of 27 March 2002, in which it endorsed the Durban Declaration and Programme of Action as constituting a solid foundation for further action and initiatives towards the total elimination of the scourge of racism,

Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Convinced that racism, racial discrimination, xenophobia and related intolerance manifest themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of

[1] See A/CONF.189/12 and Corr.1, chap. I.

their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

Taking note of Commission on Human Rights resolutions 2002/68 of 25 April 2002,[2] 2003/30 of 23 April 2003[3] and 2004/88 of 22 April 2004,[4] by which the international community put into effect mechanisms for the effective implementation of the Durban Declaration and Programme of Action,

Reaffirming its commitment to a global drive for the total elimination of racism, racial discrimination, xenophobia and related intolerance,

Reaffirming that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination[5] are of paramount importance for the promotion of equality and non-discrimination in the world,

Underlining the primacy of political will, international cooperation and adequate funding at the national, regional and international levels for the successful implementation of the Durban Programme of Action,

Alarmed at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Underlining the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

Welcoming all the regional initiatives being undertaken to implement the Durban commitments and, in this context, expressing its appreciation to the Governments of Mexico, Kenya, the Czech Republic and Belgium for hosting the regional expert seminars with a view to the implementation of the Durban Declaration and Programme of Action within their respective regions, and encouraging the remaining region to take the necessary action in this regard,

Welcoming also the determination of the United Nations High Commissioner for Human Rights to profile and increase the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance and her intention to make this a cross-cutting issue in the activities and programmes of her Office,

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[2] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

[3] Ibid., *2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[4] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[5] Resolution 2106 A (XX), annex.

I

Basic general principles

1. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

2. *Expresses its profound concern about and its unequivocal condemnation* of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

3. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

4. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

5. *Emphasizes* that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law;

6. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

7. *Condemns* the misuse of print, audio-visual and electronic media and new communication technologies, including the Internet, to incite violence motivated by racial hatred, and calls upon States to take all necessary measures to combat this form of racism in accordance with the commitments that they have undertaken under the Durban Declaration and Programme of Action,[1] in particular paragraph 147 of the Programme of Action, in accordance with existing international and regional standards of freedom of expression and taking all necessary measures to guarantee the right to freedom of opinion and expression;

8. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for foreign cultures, peoples and countries;

9. *Stresses* the responsibility of States to mainstream a gender perspective in the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

II

International Convention on the Elimination of All Forms of Racial Discrimination

10. *Reiterates* the call made by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in paragraph 75 of the Durban Programme of Action[1] to achieve universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination[3] by 2005 and for all States to consider making the declaration envisaged under article 14 of the Convention, and endorses the concern expressed by the Commission on Human Rights in its resolution 2004/88[4] to the effect that, at the current pace, with one hundred and seventy ratifications and only forty-five declarations, the deadline of 2005 for universal ratification decided by the World Conference will, regrettably, not be realized;

11. *Urges*, in that context, the Office of the United Nations High Commissioner for Human Rights to maintain and issue regular updates on its web site of a list of countries that have not yet ratified the Convention, and to encourage such countries to demonstrate their practical commitment to meet the deadline for universal ratification as decided upon by the World Conference;

12. *Invites* States parties to the Convention to ratify the amendment to article 8 of the Convention, on the financing of the Committee on the Elimination of Racial Discrimination, and calls for adequate additional resources from the regular budget of the United Nations to enable the Committee to discharge its mandate fully;

13. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights[6] and article 5 of the Convention;

14. *Notes* that the Committee holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

15. *Welcomes* the emphasis placed by the Committee on the importance of follow-up to the World Conference and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;[7]

III

Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

16. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure full and effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action;[1]

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[6] Resolution 217 A (III).

[7] See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 18* (A/57/18), chap. XI.

17. *Also emphasizes*, in that context, the fundamental and complementary role of national human rights institutions, regional bodies or centres and civil society, working jointly with States towards the achievement of the objectives of the Durban Declaration and Programme of Action;

18. *Calls upon* States to elaborate action plans, in consultation with national human rights institutions, other institutions created by law to combat racism, and civil society, and to provide the United Nations High Commissioner for Human Rights with such action plans and other relevant materials on measures taken to implement the provisions of the Durban Declaration and Programme of Action;

19. *Calls upon* all States to formulate and implement without delay, at the national, regional and international levels, policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

20. *Urges* States to support the activities of existing regional bodies or centres that combat racism, racial discrimination, xenophobia and related intolerance in their respective regions, and recommends the establishment of such bodies or centres in all regions where they do not exist;

21. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in assisting States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

22. *Emphasizes* that, in accordance with the Durban Declaration and Programme of Action, States have a shared responsibility, at the international level and within the framework of the United Nations system, to determine modalities for the overall review of the implementation of the Declaration and Programme of Action;

23. *Decides* that the General Assembly, through its role in policy formulation, the Economic and Social Council, through its role in overall guidance and coordination, in accordance with their respective roles under the Charter of the United Nations and Assembly resolution 50/227 of 24 May 1996, and the Commission on Human Rights shall constitute a three-tiered intergovernmental process for the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;

24. *Stresses and reaffirms* its role as the highest intergovernmental mechanism for the formulation and appraisal of policy on matters related to the economic, social and related fields, in accordance with Chapter IX of the Charter, including in the comprehensive implementation of and follow-up to the goals and targets set at all the major United Nations conferences, summits and special sessions;

25. *Acknowledges* that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is on an equal footing with the outcomes of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

26. *Decides* that the Economic and Social Council shall oversee system-wide coordination of the implementation of the Durban Declaration and Programme of Action;

27. *Also decides* that the Commission on Human Rights, as a functional commission of the Economic and Social Council, shall have a central role in the monitoring of the implementation of the Durban Declaration and Programme of Action within the United Nations system and in advising the Council thereon;

28. *Expresses its appreciation* for the continuing work of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and the Working Group of Experts on People of African Descent, and looks forward to the consideration of the outcomes of their third sessions by the Commission on Human Rights at its sixty-first session;

29. *Acknowledges* that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, which was the third world conference against racism, was significantly different from the previous two conferences, as evidenced by the inclusion in its title of two important components relating to contemporary forms of racism, namely, xenophobia and related intolerance;

30. *Welcomes* the work of the Committee on the Elimination of Racial Discrimination in applying the International Convention on the Elimination of All Forms of Racial Discrimination[5] to the new and contemporary forms of racism and racial discrimination;

31. *Underlines* the importance of the elaboration of complementary standards with a view to strengthening and updating international instruments against racism, racial discrimination, xenophobia and related intolerance, taking into account issues discussed during the previous sessions of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, as well as issues identified by the high-level seminar to be convened during the next session of the Intergovernmental Working Group;

32. *Underlines also* the importance of considering progress made in the implementation of the provisions of the Durban Declaration and Programme of Action related to the media and racism, including the use of the Internet, with the participation of all stakeholders, inter alia, States, the World Summit on the Information Society, international and regional organizations, non-governmental organizations, the private sector and the media;

33. *Takes note* of the recommendation of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, in that context, to request the Office of the United Nations High Commissioner for Human Rights to convene a high-level seminar, the format of which should be agreed among Member States, assisted by the Office of the High Commissioner, and which could include, but would not necessarily be limited to, a core group of ministers responsible for human rights and/or equivalent participants from all regions as panellists;[6]

34. *Strongly recommends* that no intersessional meetings of the working groups of the Commission on Human Rights in follow-up to the World Conference

[5] See E/CN.4/2005/20, sect. VI, para. 73.

and the implementation of the Durban Declaration and Programme of Action be scheduled in a manner that clashes or overlaps with the sessions of the General Assembly, and in this regard calls upon the Commission to address this issue and to ensure that the future sessions of the Working Group of Experts on People of African Descent are scheduled to precede those of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action;

35. *Requests* the Secretary-General to reflect the outcome of the high-level seminar in his report to the General Assembly at its sixty-first session on the follow-up to the World Conference;

36. *Acknowledges* the centrality of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference, and to this end emphasizes the central role to be played by the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action in mobilizing the necessary political will required for the successful implementation of the Declaration and Programme of Action;

37. *Requests* the Secretary-General to provide the necessary resources for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent and the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action;

38. *Condemns* the resurgence of xenophobia, and underlines the fact that, while anchoring human rights in legal instruments is a fundamental way of expressing their universality, it is no longer capable of eliminating the underlying causes of discriminatory culture and mentalities, and that action on human rights must henceforth include discussion of the deep cultural roots of racism;

39. *Expresses its concern* at the increasing incidence of racism in various sporting events, while noting with appreciation the efforts made by some sporting governing bodies to combat racism;

40. *Invites* Member States to adopt measures to counter the dissemination of discriminatory, racist and xenophobic messages on the Internet, in accordance with paragraphs 144 to 147 of the Durban Programme of Action, and to promote a positive use of the Internet to foster social harmony and to combat racism;

41. *Requests* the Office of the United Nations High Commissioner for Human Rights to convene the second meeting of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action before the sixty-first session of the Commission on Human Rights to produce a concrete programme of action related to their mandate, based on the core values of racial equality and dignity as elaborated in the outcome document of their first meeting, held in Geneva from 16 to 18 September 2003;[9]

[9] See E/CN.4/2004/112.

IV

Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

42. *Expresses its full support and appreciation* for the work of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and encourages its continuation;

43. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations system and non-governmental organizations to cooperate fully with the Special Rapporteur;

44. *Requests* the Special Rapporteur to continue his exchange of views with Member States and relevant mechanisms and treaty bodies within the United Nations system in order to enhance further their effectiveness and mutual cooperation;

45. *Recognizes with deep concern* the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, communities of people of African descent, communities of people of Asian descent and other communities;

46. *Requests* the Special Rapporteur to collect information from all concerned, to respond effectively to reliable information that becomes available to him, to follow up on communications and country visits and to seek the views and comments of Governments and reflect them, as appropriate, in his reports;

47. *Calls upon* States to cooperate with the Special Rapporteur and to give serious consideration to his requests to visit their countries so as to enable him to fulfil his mandate fully and effectively;

48. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the Anti-Discrimination Unit;

49. *Urges* the United Nations High Commissioner for Human Rights to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

50. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its sixtieth session;

51. *Takes note* of the recommendations contained in the interim report of the Special Rapporteur,[10] and encourages the continuation of his work;

52. *Urges* Member States to consider implementing the recommendations contained in the reports of the Special Rapporteur, and invites other relevant stakeholders to implement those recommendations;

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[10] See A/59/329.

V

General

53. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixtieth session;

54. *Decides* to remain seized of this important matter at its sixtieth session under the item entitled "Elimination of racism and racial discrimination".

74th plenary meeting
20 December 2004